

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

RUTLAND RAILWAY CORPORATION

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated and continues to violate the provisions of the Agreement between the parties effective Feb. 2, 1942, when on April 13, 1951, it assigned by bulletin a position of clerk in the Superintendent's Office at Rutland, Vermont, to a junior employe in preference to the senior qualified employe, R. W. Clark; and

(b) That R. W. Clark shall be paid wage loss from April 13, 1951 and subsequent thereto until properly placed on the position; and

(c) That R. W. Clark shall be given a seniority date of April 13, 1951 on the Superintendent's Seniority Roster, this being the date he should have been awarded and transferred to the bulletined position. Also, that Employee E. G. La Penna's name shall be removed from such roster as he was not entitled to the position to which assigned.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That no hearing thereon has been held, and under date of January 29, 1952, the complainant party addressed a formal communication to the Acting Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 1st day of February, 1952.